

ORDINANCE NO. 1368

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", SPECIFICALLY AT ARTICLE 5, ENTITLED "DEVELOPMENT STANDARDS", TO INCLUDE A NEW DIVISION 22, ENTITLED "DISTANCE REQUIREMENT FOR CERTAIN RETAIL USES", TO MITIGATE THE PROLIFERATION OF SPECIFIC RETAIL USES, SPECIFICALLY AS IT APPLIES TO THE DOWNTOWN COMMERCIAL CORRIDOR, AND TO ENCOURAGE A MORE DIVERSE AND PRODUCTIVE BUSINESS ENVIRONMENT AS ENVISIONED IN THE CITY OF NORTH MIAMI DOWNTOWN MASTER DEVELOPMENT AND MAJOR CORRIDOR PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, on May 28, 2013, the Mayor and City Council of the City of North Miami ("City") passed Resolution Number R-2013-55, adopting the Downtown Master Development and Major Corridor Plan ("Master Plan") to serve as a design guide for future development and redevelopment; and

WHEREAS, a retail gap analysis conducted as part of the assessment for the Master Plan ("Gap Analysis"), revealed an excess supply of certain retail uses saturating the downtown commercial corridor, and stagnating the creation of other desirable retail uses that are in higher demand; and

WHEREAS, the Master Plan provides that the City should review the current land use and zoning district designation limitations for potential revisions in order to encourage a more diverse supply of uses that are in demand in order to attract new regional businesses and customers to the City's downtown area; and

WHEREAS, Policy 9.4.2 of the City Comprehensive Plan, further requires that the City introduce employment generating uses along major transportation corridors, ensuring that employment generating uses are compatible with the character of the neighboring area through revisions in development regulations and permit review process; and

WHEREAS, a detailed map based on the information provided in the Gap Analysis,

confirms a proliferation of certain uses such as beauty salons, barber shops, convenience stores, and tax preparation services within the City's downtown area; and

WHEREAS, the City is desirous of amending the Land Development Regulations in order to limit the number of such overabundant uses in the downtown area, so as to create a diverse and more productive business environment where people can work, shop and invest.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Amendment to Land Development Regulations. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances, entitled "Land Development Regulations", specifically at Article 5 entitled "Development Standards", to include a new Division 22 entitled "Distance Requirement for Certain Retail Uses", to mitigate the proliferation of specific retail uses, specifically as it applies to the downtown commercial corridor, and to encourage a more diverse and productive business environment as envisioned in the City of North Miami Downtown Master Development and Major Corridor Plan, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

* * * * *

ARTICLE 5. DEVELOPMENT STANDARDS

* * * * *

DIVISION 22. DISTANCE LIMITATION FOR CERTAIN USES

Sec. 5-2201. Purpose, legislative intent.

The purpose of this division is to regulate the location of hair salons, barber shops, convenience stores, and tax preparation businesses so as to prevent the saturation and proliferation of such uses within a specific and limited commercial area, in order to obtain a more balanced use of limited commercial zoning area within the central core of the city. This section is designed to eliminate or lessen such adverse effects by preventing or lessening the concentration of such businesses by maintaining minimum distances between such businesses and between certain other uses, and allowing hair salons, barber shops and tax preparation businesses to be located in appropriate areas only. The sole purpose of the legislative body of the city in enacting this section is the desire to preserve and protect the quality of life, public health, safety, and general welfare of the citizens of the city.

Sec. 5-2202. Definitions.

For the purposes of this division, the following words and terms have the meaning so specified:

Barber shop means any place of business wherein the practice of barbering is carried on, including, but not limited to, shaving, cutting trimming, coloring, shampooing, arranging, dressing, curling, or weaving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical device.

Convenience store means a use consisting of the sale of goods, products, materials, or services directly to the consumer from within an enclosed building, including, but not limited to, bill paying services, phone card sales, money transfer services, immigration consulting, notary public, tax preparation services, dollar stores, and laundry or dry cleaning establishments.

Hair salon means any place of business wherein the practice of cosmetology is carried on for the treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services.

Sec. 5-2203. Location and distance restriction within the C-3 zoning district.

A. Hair salons, barber shops, convenience stores, and businesses devoted to tax preparation services shall be allowed within the C-3 commercial zoning district, subject to the distance requirement provided herein.

B. No hair salon, barber shop, convenience store, or tax preparation business shall be located within one thousand five hundred (1,500) feet of an identical or similar use of:

1. Any lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business that is located within the C-3 commercial zoning district; or
2. Any pre-existing zoning district within the city that is zoned for residential use.

C. The distances provided for in this subsection shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the parcel upon which the hair salon business or tax preparation business is located to the nearest property line of a parcel:

1. Upon which such a lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business, is located; or
2. Within a district zoned for residential use.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

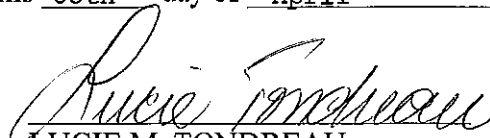
Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.


Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 25th day of March, 2014.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 08th day of April, 2014.

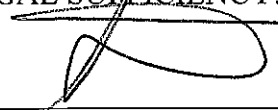

LUCIE M. TONDREAU
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: MAYOR LUCIE M. TONDREAU

Moved by: Galvin

Seconded by: Tondreau

Vote:

Mayor Lucie M. Tondreau	<u>x</u>	(Yes)	_____	(No)
Vice Mayor Philippe Bien-Aime	<u>x</u>	(Yes)	_____	(No)
Councilperson Scott Galvin	<u>x</u>	(Yes)	_____	(No)
Councilperson Carol Keys, Esq.	<u>x</u>	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	<u>x</u>	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.